

REMARKS

Claims 1-6, 8-21, and 24-26 are pending in the present application. In the Office Action mailed December 12, 2006, the Examiner rejected claims 1-3, 8, 17, 18, 21, and 26 under 35 U.S.C. §102(b) as being anticipated by DE 83 08 999.3.

Claims 4-6, 9-16, 19, 20, 24, and 25 were indicated as containing allowable subject matter. Such indication is appreciated.

The Examiner rejected claim 1 under §102(b) as being anticipated by DE 83 08 999.3, stating that “DE '99.3 discloses an enclosure, a power source (8 is a control panel having power source) within enclosure, a shielding gas regulator (5) connected with first gas source (7) within an enclosure.” *Office Action, December 12, 2006, p. 3.* Applicant respectfully disagrees with the rejection, as claim 1 was previously amended in the Response dated October 5, 2006, to incorporate the subject matter of claim 7, which was indicated as being allowable by the Examiner. As the Examiner now seems to indicate that the previously allowable subject matter of original claim 7 is no longer allowable, Applicant has elected to amend claim 1 to remove that subject matter and added new claim 27 to incorporate that subject matter thereto. As amended, claim 1 calls for, in part, a welding apparatus having a shielding gas regulator disposed within an enclosure and fluidly connected to a first gas source via a gas path free of restriction therein. DE '999.3 fails to teach or disclose a welding apparatus as called for in claim 1, as there is no teaching or suggestion therein of the welding set having a shielding gas regulator that is fluidly connected to a first gas source via a gas path free of restriction therein.

DE '999.3 discloses a CO₂ welding set having a housing 2 that encloses a power source therein and includes a cover 7 for gaining access into the housing 2. *DE '999.3, p. 3, lns. 6-15.* A pressure bottle 1 containing CO₂ is also positioned within housing 2 and includes a threaded valve 6 thereon that controls gas flow from pressure bottle 1. *Id.* A pressure reducing valve 5 is positioned downstream from gas bottle 1 and valve 6 and controls gas pressure of CO₂ entering a gas hose in the CO₂ welding set. *Id.* at lns. 16-19. DE '999.3, however, does not teach or disclose that pressure reducing valve 5 is fluidly connected to pressure bottle 1 via a gas path free of restriction therein as is called for in claim 1. That is, as shown in the figure of DE '999.3, threaded valve 6 is positioned in the gas path formed between pressure bottle 1 and pressure

reducing valve 5 and restricts air flow therebetween. Valve 6 is shown as a traditional-type valve that must be manually opened and closed to control gas flow from pressure bottle 1. This is not what is called for in claim 1. As set forth in the current invention, an outlet end 80 of internal shielding gas cylinder 34 is constructed to engage a first adapter 82 of an internal regulator 84. *Application*, p. 8, lns. 15-16, *see also* Fig. 4. That is, shielding gas passes from gas cylinder 34 directly to internal regulator 84 via adapter 82 without any restrictions therebetween. A valve 50 and gauge 48 are positioned downstream to allow a user to adjust and determine the delivery pressure of shielding gas to torch 18 from internal shielding gas cylinder 34, but no restrictions to gas flow are present between gas cylinder 34 and internal regulator 84. This allows a direct connection upon installation of the gas cylinder. *Application*, p. 8, lns. 24-29. DE '999.3 fails to teach or disclose such a connection between an internal regulator and a gas cylinder by way of a gas path free of restriction. DE '999.3 requires installation of the gas cylinder and then manually opening of a valve. That is not what is claimed. As such, claim 1 and the claims dependent therefrom are patentably distinct over the cited reference.

The Examiner also rejected claim 17 under 102(b) as being anticipated by DE'999.3 stating that the reference discloses "the method comprising the steps of providing a power source, providing a regulator, and enclosing a power source and the regulator in an enclosure." *Office Action*, *supra* at 3. Applicant does not disagree with this assertion; however, claim 17 additionally calls for the method of constructing a welding apparatus to include the step of enclosing a power source and a regulator in an enclosure, such that the regulator is adjustable when the enclosure is closed. The Examiner seems to have overlooked this element of claim 17. DE '999.3 fails to teach or disclose such a step, and as such, cannot be said to anticipate that which is called for in claim 17. The cited reference does not disclose that the pressure reducing valve 5 can be accessible when cover 7 is closed. Furthermore, inspection of the figure provided in DE '999.3 reveals that the housing 2 disclosed therein has no such ability. That is, an operator would not have access to the mechanisms on the interior of the housing 2 unless the cover 7 attached thereto were open. Therefore, the pressure reducing valve 5 of DE '999.3 is not capable of adjustment when the housing 2 is closed. As such, claim 17, and the claims dependent therefrom, are believed patentably distinct over the cited reference.

Claim 26 was also rejected under 102(b) by the Examiner as being anticipated by DE'999.3. The Examiner stated that DE'999.3 discloses "an electric valve on the control panel 8

allow[ing] on/off the flow of gas.” *Office Action*, supra at 3. Applicant respectfully disagrees with the rejection of claim 26. First, for the reasons set forth above regarding claim 1, DE’999.3 does not teach or disclose a shielding gas regulator that is fluidly connected to a first gas source via a gas path free of restriction therein as is called for in claim 26. Furthermore, DE’999.3 does not teach or disclose an electric valve downstream of the shielding gas regulator that allows on/off flow therethrough as is called for in claim 26. There is no support in the cited reference for the Examiner’s assertion that the control panel 8 disclosed in DE’999.3 contains an electric valve thereon, or means to control an electric valve that is downstream of pressure reducing valve 5. In fact, there is no teaching or disclosure in DE’999.3 of any valve being positioned downstream of pressure reducing valve 5. The Examiner admits as much by stating that claim 6, which also calls for an electric valve downstream of the shielding gas regulator that allows on/off flow therethrough, contains allowable subject matter. Therefore, for all these reasons, DE’999.3 fails to teach or disclose that which is called for in claim 26, and claim 26 is thus patentably distinct thereover.

Regarding the Examiner’s identification of claims that would be allowable if rewritten in independent form, the Examiner identified claims 9 and 24 as dependent claims, stating that claims 9 and 24 are “objected to as being dependent upon a rejected base claim.” *Office Action*, supra at 3. However, claims 9 and 24 are written as independent claims. Clarification is requested. Because claims 9 and 24 are independent claims and because the Examiner has recognized that the claims contain patentable subject matter over DE’999.3, Applicant believes that claims 9 and 24 are in condition for allowance. Furthermore, as claims 10-16 and claim 25 depend from claims 9 and 24 respectively, they also are in condition for allowance at least pursuant to the chain of dependency.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-6, 8-21, and 24-27.

A credit card authorization in the amount of \$50.00 is enclosed for fees associated with entering the claims newly presented herein.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,

/Timothy J. Ziolkowski/

¹Timothy J. Ziolkowski
Registration No. 38,368
Direct Dial 262-268-8181
tjz@zpspatents.com

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P.O. ADDRESS:

Ziolkowski Patent Solutions Group, SC
136 South Wisconsin Street
Port Washington, WI 53074
262-268-8100

¹The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2623. Should no proper payment be enclosed herewith, as by credit card authorization being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2623. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extensions under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2623. Please consider this a general authorization to charge any fee that is due in this case, if not otherwise timely paid, to Deposit Account No. 50-2623.